

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants:	S. Bailey, et al.	Attorney Docket:	6006-009
Serial No.:	09/783,633	Examiner:	C. Miller
Filed:	February 14, 2001	Art Unit:	3738
Confirmation No.:	2694	Customer No.:	29,335
Title:	<i>In Vivo</i> Sensor and Method of Making Same		

**Certificate of Electronic Filing**

I certify that this document (along with any documents referenced as being included herewith) is electronically filed on this the 14th day of February, 2011 addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Lori Dunham

Mail Stop Appeal Brief – Patents  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Dear Sir or Madam:

Applicant submits herewith a response to the Notice of Non-Compliant Appeal Brief mailed on February 9, 2011, as follows:

**Remarks** on page 2 of this letter

**Evidence Appendix** on page 3 of this letter.

**Remarks**

The Notification indicated that the “evidence appendix” page fails to indicate whether there has been evidence considered by the Examiner. There was no evidence considered by the Examiner, so the Applicant submits a corrected “evidence appendix” herewith, which states “none” beneath the heading. No fee is believed to be due; however, the Commissioner is authorized to charge any additional fees regarding this filing, and/or credit any overpayment to deposit account No. 18-2000.

Respectfully submitted,



J. Peter Paredes  
Reg. No. 57,364

February 14, 2011

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9. **Evidence Appendix**

None